KinderStart.com LLC v. Google, Inc.

C 06-2057 JF

## EXHBIT 1

Declaration of Gregory J. Yu In Support of Plaintiff's Opposition to Google's Motion for Administrative Relief under Local Rule 3-12

1	Gregory J. Yu (State Bar No. 133955) GLOBAL LAW GROUP 2015 Pioneer Court, Suite P-1 San Mateo, CA 94403 Telephone: (650) 570-4140 Established (650) 570-4140		
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4	Facsimile: (650) 570-4142 E-mail: glgroup [at] inreach [dot] com		
5	Attorney for Plaintiffs and Proposed Class and Subclasses		
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8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10	SAN JOSE DIVISION		
11	KINDERSTART.COM LLC, a California limited liability company, on behalf of itself and all others similarly situated,  Plaintiffs,  v.	Case No. C 06-2057 JF	
12		DECLARATION OF GREGORY J. YU	
13		IN SUPPORT OF PLAINTIFF'S OPPOSITION TO GOOGLE'S	
14		ADMINISTRATIVE MOTION UNDER L.R. 3-12	
15	GOOGLE, INC., a Delaware corporation,		
16	Defendant.		
17			
18	I, GREGORY J. YU, HEREBY DECLARE AS FOLLOWS:		
19	1. My name is Gregory J. Yu, and I am legal counsel to plaintiff KinderStart.com		
20	LLC ("KinderStart") in the above action and am authorized by my client to make this		
21	declaration in support of plaintiffs' opposition to defendant Google, Inc.'s motion for		
22	administrative relief under Local Rule 3-12 ("L.R. 3-12").		
23	2. On November 30, 2006, David Kramer, counsel to Google, called my office. He		
24	informed me during the telephone conversation that Google was prepared to file an		
25	administrative motion to relate the case of <i>Person v. Google, Inc.</i> C 06-7297 JCS to the instant		
26	action. Mr. Kramer merely asked me if it was acceptable to file the motion, but he did not ask		
27	for or secure my consent to the merits of the motion. Nor did Mr. Kramer ask for a written		
28			
	DECLARATION OF GREGORY J. YU IN SUPPORT OF PLAINTIFF'S OPPOSITION TO GOOGLE'S L.R. 3-12 RELATED CASE MOTION -1	- Case No. C 06-2057 JF	

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stipulation to be consented to by electronic means, nor did he send me any form of stipulation to memorialize a mutual consent to this motion.

- 3. On December 5, 2006, at 10:31 a.m. I electronically mailed a message to Mr. Kramer that KinderStart and its counsel "have not 'consented to this request' [i.e., the subject Administrative Motion] as stated in the Declaration of David H. Kramer in Support of Defendant's Administrative Motion to Consider Whether Cases Should be Related on file herein. Therefore, this Declaration supporting Google's L.R. 3-12 Administrative Motion is incorrect in its statement that "KinderStart's Counsel, Greg Yu, Esq., consented to this request." I requested in this electronic mail to Mr. Kramer that he promptly correct and file a new declaration with the Court. However, Mr. Kramer refused in a separate electronic mail sent to my office the same day at 4:59 p.m.
- 4. As legal counsel to KinderStart, I have never received from Google's legal counsel a written request or a form of stipulation as required by L.R. 7-11(a) regarding the Google's Administrative Motion that would have documented Mr. Kramer's claim that KinderStart's legal counsel gave "consent" to the motion.

I DECLARE UNDER PENALTY OF PERJURY, that the above is based on my personal knowledge.

Executed on this 6th day of December 2006 in San Mateo, California.

By: /s/ Gregory J. Yu
GREGORY J. YU